

FILED

NOV 13 2007

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

WUSA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8920

UNITED STATES OF AMERICA,

Plaintiff,

v.

Fernando ALVARADO

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

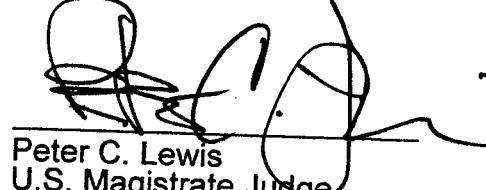
The undersigned complainant being duly sworn states:

On or about November 10, 2007, within the Southern District of California, defendant Fernando ALVARADO did knowingly and intentionally import approximately 21.52 kilograms (47.75 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Special Agent
Immigration & Customs Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 13th
DAY OF November, 2007.


Peter C. Lewis
U.S. Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

2 Fernando ALVARADO

3

4 STATEMENT OF PROBABLE CAUSE

5 This complaint is based upon the personal observations, investigation and
6 information provided to U.S. Immigration and Customs Enforcement Special Agent
7 Donald Webster.

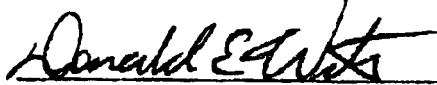
8 On November 10, 2007, at approximately 1611 hours, Fernando ALVARADO entered
9 the United States at the Calexico, California, West Port of Entry. ALVARADO was the
10 driver of a Dodge Ram Van. CBP Officer Montalvo took a negative Customs
11 declaration from ALVARADO. ALVARADO was very talkative and appeared to be in a
12 hurry. CBP Officer Montalvo looked under the vehicle and noted the gas tank appeared
13 to be leaking and had been tampered with. CBP Officer Montalvo referred ALVARADO
14 and his vehicle to secondary inspection.

15 In secondary, CBP/CEO Officer Ragsdale utilized his Service K-9, "Rita" CF-98
16 in a lot sweep. Rita alerted to the gas tank of ALVARADO's vehicle. CBP Officer E.
17 Garcia located and recovered 19 packages containing a green leafy substance from a
18 compartment within the gas tank. A sample of the green leafy substance field-tested
19 positive for marijuana. The total weight of the packages of marijuana was 21.52
20 kilograms.

21 Special Agent (S/A) Donald Webster read VALENZUELA his constitutional rights
22 per Miranda in English with S/A Steele present. ALVARADO orally waived his rights, as
23 well as signing the written waiver of rights, agreeing to make a statement without the
24 presence of an attorney.

1 ALVARADO denied all knowledge of the marijuana recovered from his vehicle
2

3 Executed on November 11, 2007 at 1230 hrs.
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7 Donald E. Webster, Special Agent
8 U.S. Immigration and Customs Enforcement
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10 On the basis of the facts presented in the probable cause statement consisting
11 of three (3) pages, I find probable cause to believe that the defendant, ALVARADO,
12 named in this probable cause statement committed the offense on November 10, 2007,
13 in violation of Title 21 United States Code, Section(s) 952 & 960
14

15 
16 Date 11-11-07
17

18 Nita L. Storms
19 United States Magistrate Judge
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